

Berkeley's Rental Housing Primer for Tenants

Contains

- **ABCs of Rent Control**
published by the Tenant Action Project
- **Introduction to City of Berkeley
Housing Code Enforcement Services**
prepared by the City Planning Department

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City of Berkeley

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Berkeley, California 94704

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Dear Tenant,

I am pleased to send you the enclosed brochure about two important programs that affect your home. The Berkeley City Council directed that the brochure be printed and distributed to inform tenants of their rights and responsibilities related to rent control and code enforcement. This action reflects the City Council's history of informing citizens of programs that affect them.

The first section entitled The ABCs of Rent Control, published by the Tenants Action Project, contains basic information on Rent Control, including "legal" rent, and eviction policy. It also lists things you can do if you have questions about your rent or the condition of your house, apartment or building. Included is a list of resource agencies for you to contact for help.

The section entitled City of Berkeley Housing Code Enforcement Services, prepared by City Staff, describes the services available to you from City Hall, particularly the City Planning department. This section answers and resolves questions such as, "What is the building code?", and "Does my residence meet the standards of the building code?"

I hope that you find this information useful and will keep this brochure on hand for future reference.

Sincerely yours,

Weldon Rucker

Acting City Manager

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published by the Tenant Action Project

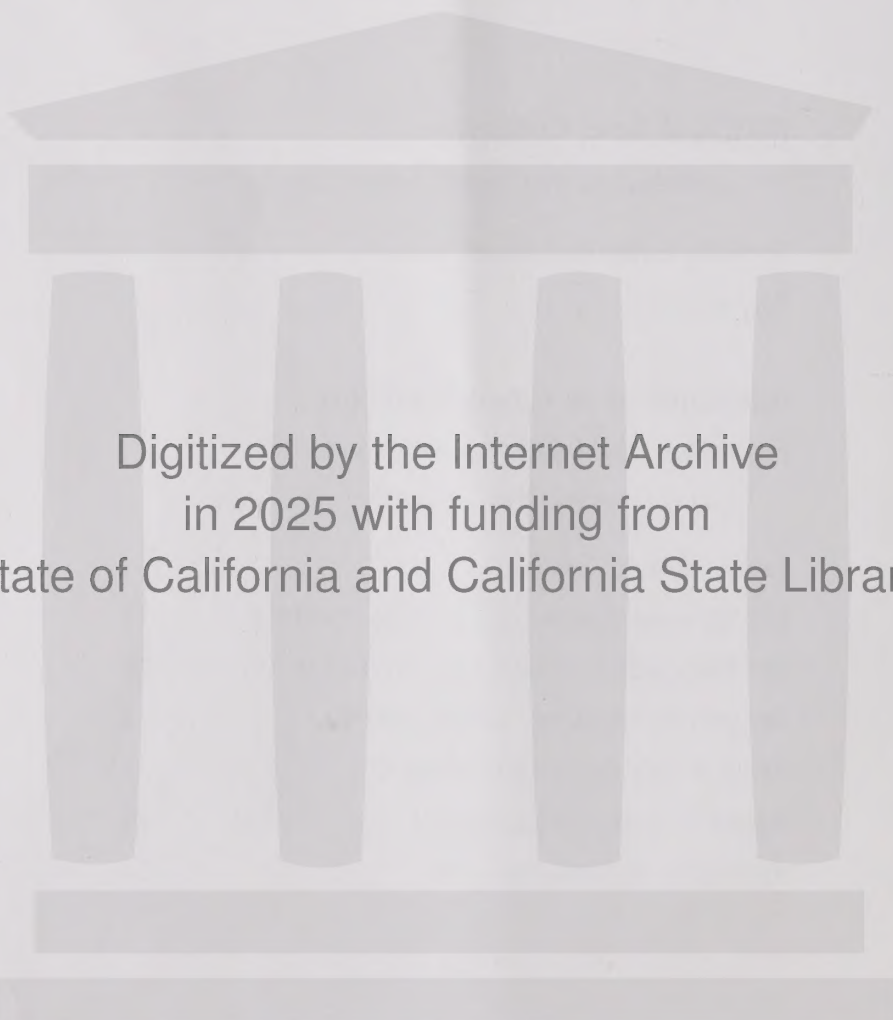
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The ABCs

of Rent Control in Berkeley

Tenants: Learn your rights!

Disclaimer: The introductory material in this brochure does not substitute for legal counsel. The authors have no liability for the application of this material to specific situations.

Revised December, 1993
Written by an ad hoc committee of Berkeley tenants.

Published by the **Tenants Action Project**

A. Why Have Rent Control?

The purpose of a rent control policy is to foster stability and security in the community by regulating rent levels. Rent control discourages speculation in rental property (and the spiraling rents that result from it). It prevents rent gouging, and slows down the eviction and displacement of low-income renters by those who can afford to pay more. In cities without rent control, housing policy tends to be left to market forces and to developers who have a greater interest in boosting profits than in answering needs of tenants.

Berkeley tenants are an important part of its political and community affairs. We are 50 percent of its registered voters. Whether high- or low-income, we all spend money at local restaurants, bookstores, theaters, and neighborhood markets. Thus, our disposable income supports local merchants, irrespective of our income or housing situation.

This leaflet covers only basic information about legal rents and rent increases as defined by the Rent Control Ordinance. If you need information about other issues—eviction procedures, housing discrimination, health and safety code violations, rental agreements, etc.—please refer to the list of resources at the end of this section.

The Ordinance applies to *most* renters in Berkeley, even those who are *not* U.S. citizens (See Box 1).

B. Who Sets the Rent Level?

The nine *elected* Rent Board Commissioners serve staggered 4-year terms. They have the power to *set city-wide rent levels, change rent regulations or write new ones, and hear appeals* on decisions made by legal staff. The Commissioners hold public meetings on the first and third Mondays of each month at 7:00 p.m. in the Council Chambers of the Old City Hall, 2134 Martin Luther King Jr. Way (the Berkeley School District is also housed in this building). Anyone may attend.

The routine business of the Rent Stabilization Board (RSB) is carried out by staff at 2125 Milvia St. They keep records (which are open to the public), answer questions for the public, adjudicate disputes over rent, and grant (or deny) *rent increases* requested by landlords and *rent decreases* requested by tenants.

The decisions of the RSB staff on individual cases can be appealed to the Commissioners who may uphold or reverse them.

Because the nine Commissioners have the power to set rent levels and hear appeals, it is important that renters know as much as possible about candidates for this office and *vote wisely*. The decisions of these Commissioners can and do drastically affect all Berkeley residents.

C. What's My Legal Rent?

All landlords are required to register their rentals (but see Box 1 for units currently exempt from rent control) at the Rent Board and pay annual fees. (These fees may be passed on to tenants.)

Every registered unit has a "legal maximum rent," which is on record at the RSB.

You can find out what this legal rent is for your apartment, studio, or house simply by asking. (There's no fee and no red tape.) If you find that you're paying more than the "legal" rent, your landlord may be in violation of the Ordinance and may be required by the RSB staff to reduce your rent to the legal level and repay the overcharge. *Every tenant should know his or her legal rent.*

Box 1

Rentals Exempted from Rent Control

All rental units (including houses) are covered *except*:

- a. Student housing run by the University of California, Berkeley or other specified schools such as the Graduate Theological Union;
- b. Two-unit properties where one unit is the *principal* residence of the owner and was the *principal* residence of an owner on Dec. 31, 1979;
- c. Properties in which the owner and tenant share kitchen or bath facilities in the owner's *principal* residence;
- d. Apartments built and rented *after* June 1980;
- e. Federally subsidized units (Section 8 housing), but Berkeley's eviction protection *does apply*.

D. Legal Rent Increases

Rent increases, too, are regulated by the Board. A landlord may increase your rent only with the approval of the RSB, and only after giving a 30-day notice (under the most common month-to-month rental agreements).

There are two categories of legal rent increases: the AGA and the IRA.

AGA: *The Annual General Adjustment* is a yearly city-wide rent increase which is based on cost increases in providing rental housing. The amount of the AGA is set by the nine Commissioners and varies from year to year. It may be a flat dollar amount or a percentage of your rent. The AGA takes effect January 1st of each year.

In order to be eligible for an AGA rent increase, the landlord must be in compliance with the Rent Ordinance. (See Box 2.) If you think your landlord is not in compliance, notify the Rent Board and/or consult one of the resources listed in this brochure.

Box 2

Rent Increase Eligibility

For a landlord to qualify for a rent increase, the following conditions must be met:

- a. If it is not exempt, the unit must be registered with the RSB;
- b. The unit must be in substantially good repair;
- c. The landlord cannot have overcharged rent (*know your legal rent!*);
- d. The landlord must have returned the interest on your security deposit by the end of December of each year.

IRA: *An Individual Rent Adjustment* may be requested by either a tenant or a landlord. A tenant may petition for an IRA because of the landlord's nonregistration, rent overcharges, lack of repairs, a "decrease in services," etc. "Decrease in services" means a decrease in some housing service, privilege, or benefit that was provided when the units were first registered in 1980. (See Rent Registration form in your RSB file.) The tenant may file a petition arguing that his or her rent should be reduced accordingly. Filing in Small Claims Court instead may take less time, and only the court can award extra, "punitive," monetary damages.

A landlord may file an IRA petition to recover an increase in property taxes, in costs of capital improvements, or in operating expenses. Even routine work like painting may be petitioned for as a capital improvement now.

Whether it's the landlord or the tenant who is initiating the petition, he or she must provide evidence to the Rent Board in support of the claim. Evidence might include a copy of a lease or the 1980 Rent Registration form explicitly stating that storage space is available and included in the rent, or, in the landlord's case, bills and receipts for repair work. (Now you know why you should always read your lease or rental agreement carefully when you move in and *keep it in a safe place.*)

In either case, after the petition has been filed, RSB staff will set a date for a hearing at which both sides will present evidence and arguments. Berkeley is one of the few cities in the country in which tenants may dispute rent increases.

If you ignore your landlord's IRA petition and do not attend the hearing, the rent increase is very likely to be granted.

You will need to read and understand the landlord's petition and the reasons given in it for the rent increase. *Do careful research and consider legal counsel, as changes in regulations since 1990 often favor landlords.*

If you want help in understanding and responding to a petition, or in filing your own petition for a rent decrease, contact one of the resources at the end of this brochure. *Be aware of filing deadlines.*

E. Phase-Ins

For low-income residents, some (not all) rent increases may be phased-in over several years. Phase-ins are not automatic but must be requested by the renter. (You may be required to show proof of income to the RSB staff.) Whenever you receive a legal rent increase, be sure to find out if a phase-in period is allowed.

F. Eviction

In other cities in California, landlords generally need not give any reason for evicting tenants. *In Berkeley, thanks to the Rent Control Ordinance, there must be a good reason for an eviction.* Some reasons are:

1. The tenant has failed to pay the legal rent;
2. The tenant has substantially damaged the premises and refused to pay for the damage;
3. The tenant was a danger or nuisance to other tenants;
4. The owner or a member of his or her *immediate family* wishes to occupy a rented unit as his or her *principal residence* ("owner occupancy").

You cannot be evicted for disagreeing with the landlord, for refusing to pay an illegal rent increase, or for filing complaints about substandard housing conditions. For advice, consult one of the resources listed in this brochure.

G. Other Issues

The Rent Control Ordinance is concerned with rent levels, rent increases and evictions. A serious violation of the Health and Safety Code (dangerous wiring or plumbing, for example) should be reported *in writing* to the Division of Codes and Inspection of the City Planning Department. You may want to file a petition to withhold rent until repairs are made. Again, consult one of the resources listed below.

Things to Do

1. As a starter, pick up a free copy of the *Rent Control Ordinance (5467-N.S.)* and other information from the RSB office. Look at, or buy, a copy of the *Rent Regulations* plus updates.
2. Go to the RSB office and check on your legal rent.
3. Read your rental agreement or lease carefully. Keep it in a safe place.
4. Put all communications with your landlord *in writing* and keep a copy. Insist that your landlord do the same.
5. Read through the RSB file for your building. Check the 1980 Rent Registration form for your unit.
6. Read all materials you receive from the RSB, and get any assistance you need in understanding them. Be sure to note deadlines.
7. Ask Codes and Inspection for a free handout on *Minimum Housing Code Standards, and Appeal Process*.
8. Get to know other tenants in your apartment building. If you're having a serious problem with your landlord, chances are your neighbors are too. *Talk with your neighbors, get together and support each other.*

9. Register to vote. Vote thoughtfully on housing and rent issues. Rent control is essentially a political process—tenants must support it by being well informed and active in the on-going debate. *“Government of the people, by the people, and for the people. . .” begins at home.*

Resources

1. TAP (Tenants Action Project), 2022 Blake St.; 843-6601. An orientation for renters is offered on Tuesdays at 7:30 p.m. by this paralegal group (call to confirm). Individual counseling is available after this orientation or by appointment during office hours (no fee).
2. The Berkeley Community Law Center, 3130 Shattuck Ave.; 548-4040. Offers free individual legal counsel to low-income tenants facing eviction. The Law Center also offers free legal workshops for tenants (open to all Berkeley residents regardless of income). Call for a schedule. They also make referrals to lawyers experienced in tenants' issues.
3. RAPS (Renters' Assistance Project). For registered UC students only. Offices in 304 Eshelman Hall; 642-1755. Information and limited counseling.
4. The Rent Stabilization Board, 2125 Milvia St.; 644-6128. Hours: 9:00 a.m.-4:45 p.m. Simple questions can be asked at the desk, or you can arrange for an appointment with a counselor (no fee).

5. City Inspectors:

Codes & Inspection 644-8877

Health 644-6510

Fire Inspection 644-6158

Housing and building inspections must be requested at their offices, 2180 Milvia St. Call first for office hours.

6. Check *Tenants' Rights* by Moskowitz & Warner, Nolo Press (11th Calif. ed.).
Most libraries have the latest edition of this readable, "how-to" book.
7. Berkeley Police Dept., 2171 McKinley Ave.; non-emergency, 644-6743.
Police advise on security problems and criminal violations.

The ABCs of Rent Control in Berkeley (Rev. ed., Dec. 1993) may be freely reproduced as long as the text is unaltered and the committee of authors and publisher are acknowledged.

Notes

City of Berkeley

Housing Code

Enforcement Services

prepared by the City Planning Department

Explanation of City Services

This section of the brochure lets you know about City services which will help you have a safe and healthy place to live.

The Council adopted the Uniform Housing Code that provides minimum standards for safe and sanitary housing. Owners and renters each have responsibilities; in general, owners are required to maintain the property so it meets Code, while tenants must keep their apartment and grounds in a clean, safe and sanitary condition.

If something in your residence needs repair, the appropriate way to get it fixed is to first contact the owner or manager of the property. Usually, if you or your guests break something, you are responsible to make the repair. If the condition is the result of "normal wear and tear", usually the owner must make the repair. Talking with the owner/manager is usually the best way to get repairs made. You may also want to give the owner a letter stating what the problem is and how it might be fixed. This letter will provide you with a clear record that you notified the owner or manager.

To help you clearly identify substandard items, Chapter 10 of the Uniform Housing Code titled **Substandard Building (Attachment A)** is included. This chapter provides the definition of a substandard building directly from the code. The **Checklist (Attachment B)** is a list for you to use to determine whether you have conditions in your residence which are below the allowable standards. The code also applies to the *common area*.

If the problem does not get fixed after you have worked with the owner/manager on it, you may wish to contact the City of Berkeley's Codes and Inspection Division located at:

City of Berkeley - City Hall
2180 Milvia Street - Basement
Berkeley, CA 94704
Attn: Codes & Inspection
(510) 644-8877

This is the agency that enforces the Uniform Housing Code in the City of Berkeley. If you think there are substandard conditions, you can fill out and file a **Request for Service Form (Attachment C)** to receive assistance from Codes and Inspection. All forms are freely available at the counter.

When you report a substandard condition to Codes and Inspection, the agency will do the following:

1. Within 5 working days of our receipt of your completed **Request for Service** form they will contact you in order to make an appointment with you to investigate and inspect the problem at your residence.
2. After the investigation takes place and a substandard condition is found, the City will send a notice to the owner to fix the problem. A copy of this notice will also be sent to you. This normally takes place within 2 weeks of the inspection.
3. The owner has 30 days from the date of the notice to either respond to the problem or fix it.
4. If the owner does not respond or fix the problem within 30 days, Codes and Inspection will send out a "Notice of Violation and Order to Repair."
5. If the owner does not respond to this enforcement letter within 30 days, enforcement proceedings will commence in accordance with the Berkeley Municipal Code. We will keep you informed of the action that is being pursued with written notices sent to both the property owner and to the tenant.

In addition to the foregoing, the City of Berkeley has adopted Ordinance 6168 N.S. which requires that a resident manager or responsible person reside at properties

which have 16 or more apartment units, or one which has 12 or more guest rooms in the case of a hotel.

Another program, the Residential Rental Inspection Program (RRI), is a pro-active enforcement activity also administered by our Codes and Inspection division. Under this program buildings with 3 or more units are investigated on a rotating basis throughout the year to ensure that they meet code. If there are problems, we contact the owner of the building directly to let them know what code violations must be fixed. Tenants are notified of the results of any identified deficiencies that affect their unit.

If it is necessary to obtain copies of records contained in your City Property file, you can fill out a **Request for Copies (Attachment D)** at the Codes and Inspection division. You may need copies for a number of reasons including, but not limited to:

- a.) use at a Rent Board Hearing,
- b.) information on relevant statutes and codes that apply to your residence,
- c.) an in-house history of important transactions, e.g., easements,
- d.) determining which permits were required and signed off by an inspector, or
- e.) supporting documents for the appeal process described below.

A nominal fee is charged for this service.

All the above actions are subject to an appeal. A tenant or owner may file an appeal of a determination of the Building Official if it is thought to be incorrect under the Code. If you receive the report from the Building Official and you or the owner disagree with it then either one of you have the right to appeal the determination. The **Appeal Process, (Attachment E)**, explains the procedure and the **Appeal Form (Attachment F)** is what you will need to fill out and submit to the Community Development department coordinator.

You may have other remedies if serious problems are not repaired. There are other state and local laws that may apply to your situation. To get additional help and information, you can contact one of the resources listed at the end of the "ABCs of Rent Control" in the previous section of this brochure.

The above information is neither intended to be legal advice nor to substitute for legal counsel.

Substandard Buildings

(Chapter 10 of the Uniform Housing Code)

Definition

Sec. 1001.

(a) General. Any building or portion thereof which is determined to be an unsafe building in accordance with Section 203 of the Building Code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

(b) Inadequate Sanitation. Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include but not be limited to the following:

1. Lack of or improper water closet, lavatory, bath tub or shower in a dwelling unit or lodging house.
2. Lack of, or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel.
3. Lack of, or improper kitchen sink in a dwelling unit.
4. Lack of hot and cold running water to plumbing fixtures in a hotel.
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house.
6. Lack of adequate heating facilities.
7. Lack of, or improper operation of required ventilating equipment.
8. Lack of minimum amounts of natural light and ventilation required by this code.
9. Room and space dimensions less than required by this code.
10. Lack of required electrical lighting.
11. Dampness of habitable rooms.
12. Infestation of insects, vermin or rodents as determined by the health officer.

13. General dilapidation or improper maintenance.
14. Lack of connection to required sewage disposal system.
15. Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

(c) Structural Hazards. Buildings or portions thereof shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include but not be limited to the following:

1. Deteriorated or inadequate foundations.
2. Defective or deteriorated flooring or floor supports.
3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
8. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.
9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(d) Nuisance. Buildings or portions thereof in which there exists any nuisance as defined in this code are deemed substandard buildings.

(e) Hazardous Electrical Wiring. Electrical wiring which was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not being used in a safe manner shall be considered substandard.

(f) Hazardous Plumbing. Plumbing which was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not free of cross-connections or siphonage between fixtures shall be considered substandard.

(g) Hazardous Mechanical Equipment. Mechanical equipment which was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good and safe condition shall be considered substandard.

(h) Faulty Weather Protection. Buildings or portions thereof shall be considered substandard when they have faulty weather protection which shall include but not be limited to the following:

1. Deteriorated, crumbling or loose plaster.
2. Deteriorated **or** ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.

(i) Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the chief of the fire department, is in such a condition as to cause a fire or explosion or provide ready fuel to augment the spread and intensity of fire or explosion arising from **any** cause shall be considered a substandard building.

(j) Faulty Materials of Construction. The use of materials of construction except those which are specifically allowed or approved by this code and the Building Code, and which have been adequately maintained in good and safe condition, shall cause a building to be substandard.

(k) Hazardous or Unsanitary Premises. The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborage, stagnant water, combustible materials and similar materials or conditions on a premise constitutes

fire, health or safety hazards which shall be abated in accordance with the procedures specified in Chapter II of this code. BMC 12.40 /11.32

(l) Inadequate Exits. Except for those buildings or portions thereof which have been provided with adequate exit facilities conforming to the provisions of this code, buildings or portions thereof whose exit facilities were installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered substandard.

Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the building official finds that an unsafe condition exists through an improper location of exits, a lack of an adequate number or width of exit, or when other conditions exist which are dangerous to human life.

(m) Inadequate Fire-protection or Firefighting Equipment. Buildings or portions thereof shall be considered substandard when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies shall be considered substandard.

Building Code Check List

The following checklist is a guide to assist you in identifying possible deficiencies. You may copy this check list and attach it to the Request for Service form (Attachment C). The substandard conditions shall include, but not be limited to, the following:

Exterior

Faulty Weather Protection

- ☐ 1. Deteriorated, crumbling or loose plaster.
- ☐ 2. Deteriorating waterproofing of exterior walls, roof, or floors, including cracked windows.
- ☐ 3. Weathering due to lack of paint or other approved protective covering.
- ☐ 4. Minor roof leaks, water stained plaster in small areas.
- ☐ 5. Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.
- ☐ 6. Deteriorated and/or leaking roof.

Structural

- ☐ 1. Improper maintenance of structures.
- ☐ 2. Flooring or floor supports beginning to deteriorate.
- ☐ 3. Cracked or broken exterior walkways and decks of exitways.
- ☐ 4. Inadequate security locks conforming to Ordinance No. 6238-N.S. (Specifically a 1 inch single cylinder dead bolt and latch on all exit doors.)

Mechanical Equipment

- ☐ 1. Leaking gas lines and meters.

Plumbing Equipment

- ☐ 1. Lack of connection to or blockage of required sewage disposal system.

Electrical Equipment

- ☐ 1. Exposed and unprotected romex wiring.
- ☐ 2. Illegal use of extension cords or wires to serve lighting to accessory buildings.
- ☐ 3. Service switch which has broken or deteriorated to the extent that it cannot carry its current load with safety.
- ☐ 4. Broken or detached main electrical ground.

Interiors

Faulty Materials of Construction or other Code Requirements

All materials of construction except those which are specifically allowed or approved by the Housing Code and which have been adequately maintained in good condition, such as but not limited to the following:

- ☐ 1. Wall or ceiling tile which has deteriorated to such a degree as to become difficult to clean or maintain.
(Floor covered by carpet in good condition. Floor covered by tile or linoleum in kitchen or bathroom.)

Plumbing

All plumbing which does not conform with all applicable laws in effect at the time of installation or which has not been maintained in good working condition.

- ☐ 1. Cracked lavatory, kitchen sink, or shower that leaks.
- ☐ 2. Defective or leaking water fixture connections of faucets.
- ☐ 3. Loose or leaking water closet.
- ☐ 4. Inadequately sized vent and waste lines.
- ☐ 5. Broken or defective plumbing fixtures.
- ☐ 6. Loose or illegal plumbing waste and water connections.

Mechanical

All mechanical equipment including vents, which do not conform with all applicable

laws in effect at the time of installation or which have not been maintained in good and safe working conditions.

- ☐ 1. Inoperable required mechanical ventilation equipment.
- ☐ 2. Lack of adequate heating facilities.
- ☐ 3. Inadequate combustion air for heating units.
- ☐ 4. Malfunction of pressure-relief device on water heaters or boilers.
- ☐ 5. Leaking gas appliances.
- ☐ 6. Improperly vented gas appliances, stoves, furnaces and water heaters.
- ☐ 7. Improperly installed or defective heaters and stoves.

Example:

- a. No gas shut-off valves.
- b. Appliances located in sleeping room and bathroom.
- c. Unprotected or unvented open flame heaters.
- d. Lack of pressure relief device on water heaters.
- e. Lack of or inadequate heating facilities.
- f. Exhaust fans for ventilation of bathrooms or kitchens which are not operating properly, or which need cleaning.
- g. Return air vents or filters that need cleaning or replacement.

Inadequate Sanitation

- ☐ 1. Dampness of habitable rooms.
- ☐ 2. Infestation of insects, vermin or rodents.
- ☐ 3. Lack of adequate garbage and rubbish storage and removal facilities.
- ☐ 4. Lack of or inoperative plumbing fixtures, including hot and cold running water.
- ☐ 5. Lack of natural light and ventilation as required by Housing Code.
- ☐ 6. Lack of or improper operation of mechanical ventilation equipment.
- ☐ 7. Lack of or inoperative water closet.
- ☐ 8. Lack of connection to or blockage of required sewage disposal systems.

- ☐ 9. Broken and leaking sewer lines.
- ☐ 10. Lack of or inoperative kitchen sink.
- ☐ 11. Lack of portable water supply.

Electrical Wiring

All wiring which was not installed in conformance with all applicable laws in effect at the time of installation and which has not been maintained in good condition.

- ☐ 1. Deteriorated or damaged, lamp or appliance cord.
- ☐ 2. Loose lighting fixtures and/or cracked cover plates.
- ☐ 3. Extensive use of extension cords or other unapproved wiring systems under rugs and/or on surface of walls.
- ☐ 4. Insufficient number of electrical outlets, min 2 in every habitable room.
- ☐ 5. Inadequate electrical service capacity for appliances and equipment in use.
- ☐ 6. Uninsulated and exposed wires.
- ☐ 7. Over fused sub panels. (Fuse should not exceed 15 amps)
- ☐ 8. Faulty light fixtures, switches and plugs.

Improper Occupancy

All building or portions thereof occupied for living, sleeping, cooking or dining purposes which are not designed or intended to be used for such occupancies.

- ☐ 1. Garage, attic, or other areas converted to living or sleeping areas where there is inadequate ceiling height, light, sanitation, ventilation, or egress.

Fire Protection/Fire Exits

Fire-Protection or Fire-Fighting Equipment

All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this Code.

- ☐ 1. Lack of, or deteriorated, required wet stand pipe hoses (fire hoses) and equipment necessary for its operation.
- ☐ 2. Lack of, or inoperative, required fire extinguisher.

- ☐ 3. Lack of, or inoperative battery operated smoke detectors in every dwelling unit. (Smoke detectors are required in centrally located hallways which lead into bed rooms)

Exits

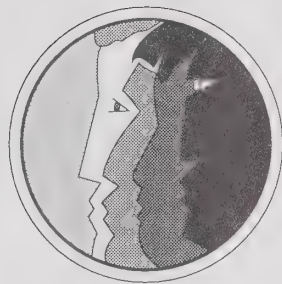
All buildings or portions thereof, not provided with adequate exit facilities as required by the Housing Code.

- ☐ 1. Whenever any door, aisle, passageway, stairway or other means of exit is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
 - a. Deteriorated or broken fire escape or stairway, supports, bracing, anchors, treads or landings.
 - b. Obstructions to, or inaccessibility of fire escapes, stair-ways, or other means of egress.

Attachment C

City of Berkeley
City Planning Department
Codes and Inspection Division
2180 Milvia Street
Berkeley, California 94704
(510) 644-8877

Sample
Form



Request for Service

Property Address: _____ **Date:** _____

Origin: ☐ Tenant ☐ Owner ☐ Neighbor ☐ Fire ☐ Health ☐ Other _____

Referred From: ☐ Zoning ☐ Rent Board ☐ Health ☐ Other _____

Owner: _____ Day Phone: _____

Address: _____ Night Phone: _____

Reported By: _____ Day Phone: _____

Address: _____ Night Phone: _____

Complaint: _____

Statement: *I certify under penalty of perjury in making this complaint that I am the tenant at the above indicated address and have notified the owner of the items complained of and I will allow the owner and/or his workers, with proper notice, to enter the dwelling and premises to make corrections.*

Signature: _____ Date: _____

For Zoning/Other Complaints:

Signature: _____ Date: _____

Assigned To: _____ Assigned By: _____ Date: _____

Attachment D

City of Berkeley
City Planning Department
Codes and Inspection Division
2180 Milvia Street
Berkeley, California 94704
(510) 644-8877

Sample
Form



Request for Copy

Date: _____

Copies of items in the property file, code books and other office information can be obtained for \$.25 per copy for the first ten pages and \$.10 per page thereafter. Copies are available within 24 hours for 1-5 copies, 6-20 copies within seven days and over 20 copies a minimum of two weeks.

Property File Address: _____

Name of Person Making Request: _____

Address: _____

IF COPIES ARE NOT PICKED UP WITHIN TEN WORKING DAYS AFTER DUPLICATION, THEY WILL BE DISCARDED AT THE APPLICANT'S EXPENSE.

Please place a clip on the individual page(s) and two (2) clips for both sides.

Signature of Applicant

Telephone Number

_____ Copies @ \$.25 each = _____

+ _____ Copies @ \$.10 each = + _____

Mailing Fee \$1.00 = + _____

_____ Total Amount to be Paid = \$ _____

Note: **MONEY TRANSACTIONS FOR REQUEST FOR COPIES WILL NOT BE ACCEPTED AFTER 4:30 P.M.**

Appeal Process

The Housing Advisory Commission is the local appeal board designated to hear appeals regarding enforcement of the building/housing code. An appeal is an objection to the Building Official's interpretation of the code or findings, a request for a modification of the code, or a complaint about staff or service. A property owner or tenant affected by the Building Official's decision has a right to appeal within 30 days of notification from the Building Official.

Before you request an appeal, we ask that you first attempt to resolve the problem with the Building Official. It is also important that you fill out the attached "Appeal Form" completely and explain in detail, with supporting documentation, your reasons for appealing the Building Official's decision.

If you are an owner, do not proceed with construction in the vicinity of disputed area until a decision on your appeal has been rendered.

The Commission requires that if you are an owner, you are responsible for notifying tenants of the property of this appeal. If you are a tenant, you are responsible for notifying the owner of the property of the appeal.

The attached Appeal Form, supporting materials, and proof of service (attached) should be returned to:

Oscar A. Sung, Secretary
Housing Advisory Commission
2180 Milvia Street, Room 220
Berkeley, CA 94704

A copy of your proof of service notifying either the tenant (if you are the owner) or the owner (if you are a tenant) must be provided.

A committee of the Housing Advisory Commission will review your appeal and contact you if a site visit or additional information is necessary. The Commission will schedule a hearing on your appeal, usually within 6 weeks and no longer than 60 days. A written notice of the time and place of the hearing will be sent to you ten days prior to the hearing. Hearings are usually the first Thursday evening of the month.

The Commission will consider the information presented and come to a decision on your appeal. You will be notified in writing of the decision. If additional information is needed you can call **Program Planning at 644-6001**.

Housing Advisory Commission Appeal Form

Name:	Date:
Mailing Address:	Daytime Telephone:
Property Address:	Are you () owner () tenant
1) What is your appeal or complaint?	
2) Describe the decision/violation you want to appeal?	
3) What is the basis for your appeal?	
4) State the section of the City's Code book that supports your position and your interpretation. Please attach diagrams, photographs, correspondence or other supporting documentation.	
NOTE: You must complete the attached proof of service.	
Your Signature	

Notes

Notes

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City Planning Department
2180 Milvia Street
Berkeley, CA 94704

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